

-UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No.23-cr-160(2) (NEB/JFD)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	
DANTRELL JOHNSON,)	MOTION TO REOPEN DETENTION
)	AND RELEASE MR. JOHNSON TO
)	THE STATE OF MINNESOTA
)	DEPARTMENT OF CORRECTIONS
Defendant.)	

MOTION

Dantrell Johnson, by and through his attorney moves this Court to reopen his detention hearing, and either release him unconditionally or order him to reside in the custody of the Minnesota Department of Corrections.

BASIS

The Court held a hearing on May 24, 2023 and determined that the parties had proceeded under the incorrect understanding that the Government had filed detainers, and that the governing authority was the Interstate Agreement on Detainers Act. (Dkt. No. 304). After reviewing the procedural history, the Court ruled that the mistaken understanding of the parties and the corrected frame of analysis was good cause to reopen the detention hearings for defendants who so wished. This motion follows.

As a result of Count Two of the current Indictment, Mr. Johnson is subject to a rebuttable presumption that no set of conditions will guarantee his appearance or ensure community safety. Although rare, the factual circumstances of Mr. Johnson's residence do rebut the presumption.

Mr. Johnson is serving a 420-month sentence, having taken responsibility for his actions pursuant to a plea of guilty. He will remain in the custody of the Minnesota Department of Corrections until January 3, 2045. He has no pending appeals and no pending post-conviction proceedings in any court. He is currently assigned by the Department of Corrections to be housed in Minnesota Correctional Facility (MCF) Rush City. This facility is designed to house long term male prisoners, convicted of serious violent offenses.

Currently, as a result of the Government's detention, he is housed in a local county jail in Elk River Minnesota. This facility is under the direction of the Sherburne County Sherriff, and has a contractual relationship with the Federal Government. The facility houses men and women. It generally houses accused citizens who are pending trial, and presumed innocent. It houses a range of defendants accused of drunk driving, driving without insurance, shoplifting, as well as state level felonies. It also houses a number of community members who are in custody simply because they are undocumented immigrants.

If this Court orders detention, Mr. Johnson will be held in a local county jail with a mix of people, including innocent people. If this Court orders his unconditional release, he will be housed in a maximum-security prison, along with other individuals convicted of serious felony offenses. In either case, his probability to appear will be in the hands of state actors. But as to community safety, there is simply no doubt that the community is safer by housing him in a facility specifically designed to house inmates with his convictions, with other similarly convicted inmates rather than housing a convicted murderer with innocent citizens accused of driving without insurance.

Pursuant to the Court's Order of June 1, 2023 (Dkt. No. 306), Mr. Johnson will supplement this filing with additional information regarding current programming opportunities, should Mr. Johnson return to the Minnesota Department of Corrections.

Respectfully submitted,

Dated: June 1, 2023

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